

3.12 ENVIRONMENTAL JUSTICE

3.12.1 Introduction

Background

On February 11, 1994, President Clinton issued an "Executive Order on Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" designed to focus attention on environmental and human health conditions in areas of high minority populations and low-income communities, and promote non-discrimination in programs and projects substantially affecting human health and the environment (White House, 1994). The order requires the U.S. Environmental Protection Agency (EPA) and all other federal agencies (as well as state agencies receiving federal funds) to develop strategies to address this issue. The agencies are required to identify and address any disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority and/or low-income populations.

In 1997, the U.S. EPA's Office of Environmental Justice released the *Environmental Justice Implementation Plan*, supplementing the EPA environmental justice strategy and providing a framework for developing specific plans and guidance for implementing Executive Order 12898. Federal agencies received a framework for the assessment of environmental justice in the EPA's *Guidance for Incorporating Environmental Justice Concerns in EPA's NEPA Compliance Analysis* in 1998. This approach emphasizes the importance of selecting an analytical process appropriate to the unique circumstances of the potentially affected community.

While many state agencies have utilized the EPA's *Environmental Justice Implementation Plan* as a basis for the development of their own environmental justice strategies and policies, as of yet the majority of California state agencies do not have guidance for incorporation of the environmental justice impact assessment into CEQA analysis. The State Air Resources Board has, for example, examined this issue and has received advice from legal counsel, by a memorandum entitled "CEQA AND ENVIRONMENTAL JUSTICE." This memorandum states, in part, "For the reasons set forth below, we will conclude that CEQA can readily be adapted to the task of analyzing cumulative impacts/environmental justice whenever a public agency (including the Air Resources Board (ARB), the air pollution control districts, and general purpose land use agencies) undertakes or permits a project or activity that may have a significant adverse impact on the physical environment. All public agencies in California are currently obliged to comply with CEQA, and no further legislation would be needed to include an environmental justice analysis in the CEQA documents prepared for the discretionary actions public agencies undertake."

Under AB 1553, signed into law in October 2001, the Governor's Office of Planning and Research (OPR) is required to adopt guidelines for addressing environmental justice issues in local agencies' general plans. Currently, the OPR is in the process of updating the General Plan Guidelines to incorporate the requirements of AB 1553.

California State Lands Commission Policy

The CSLC has developed and adopted an Environmental Justice Policy to ensure equity and fairness in its own processes and procedures. The CSLC adopted an amended Environmental Justice Policy on October 1, 2002, to ensure that "Environmental Justice is an essential consideration in the Commission's processes, decisions and programs and that all people who live in California have a meaningful way to participate in these activities." The policy stresses equitable treatment of all members of the public and commits to consider environmental justice in its processes, decision-making, and regulatory affairs which is implemented, in part, through identification of, and communication with, relevant populations that could be adversely and disproportionately impacted by CSLC projects or programs, and by ensuring that a range of reasonable alternatives is identified that would minimize or eliminate environmental impacts affecting such populations. This discussion is provided in this document consistent with and in furtherance of the Commission's Environmental Justice Policy. The staff of the CSLC is required to report back to the Commission on how environmental justice is integrated into its programs, processes, and activities (CSLC, 2002).

Regional and local environmental justice assessments have been performed by agencies within the study area, such as the Bay Area Metropolitan Transportation Commission's (MTC) *2001 Regional Transportation Plan Equity Analysis and Environmental Justice Report*. Methods applied in this EIR analysis are consistent with those used in the MTC report.

This section analyzes the distributional patterns of high-minority and low-income populations on a regional basis and characterizes the distribution of such populations adjacent to the proposed and alternative pipeline corridors. This analysis focuses, in the main, on whether the Proposed Project's impacts have the potential to affect area(s) of high-minority population(s) and low-income communities disproportionately and thus create an adverse environmental justice impact.

Area of Effect and Community of Comparison

The project study area used for the Environmental Justice analysis is the "hazard footprint" area, as determined in Section 3.1, Operational Safety/Risk of Upset. No other impacts would not affect as large a geographic land area. From that section, a hazard footprint of 1,500 feet was calculated to be the area at risk if a fire or explosion were to occur at the terminal. Portions of two census block groups (3200.01-3, 3150.00-1) were determined to be within this radius and demographic data from the two block groups was used as the study area for this analysis (see Figure 3.12-1).

According to the U.S. Environmental Protection Agency's (EPA's) "Final Guidance for Incorporation of Environmental Justice Concerns in EPA's National Environmental Policy Act (NEPA) Compliance Analyses" (April 1998), a minority or low income community is disparately affected when the community will bear an uneven level of health and

3.12-1 – Census Block Groups within 1,500-ft of Shore Wharf

environmental effects compared to the general population. Further, the guidelines recommend that the Community of Comparison that is selected be the smallest governmental unit that encompasses the impact footprint for each resource. Although the Shore terminal is located on public lands under the jurisdiction of the CSLC, the 1,500-foot hazard footprint extends within the area of influence of the city of Martinez and within land under the jurisdiction of Contra Costa County. Therefore, the Community of Comparison for this analysis was defined as both the city of Martinez and the county of Contra Costa.

3.12.2 Existing Conditions

3.12.2.1 Study Area Demographics

The year 2000 study area population is 1,446, 8.7 percent of which is considered to be of a minority race (see Table 3.12-1). The largest percentage minority group within the study area was "some other race" category, which included 59 persons or approximately 4 percent of the total population. The "some other race" category includes all other census responses not included in the "White," "Black or African American," "American Indian and Alaska Native," "Asian," and "Native Hawaiian and Other Pacific Islander" race categories (U.S. Census Bureau 2003c). Census respondent write-in entries, such as Hispanic/Latino, were included in this category and are believed to constitute the majority of the "some other race" category within the project study area. In comparison, the city of Martinez and Contra Costa County had 19.1 and 34.7 percent minority populations, respectively.

**Table 3.12-1
Race Characteristics 2000**

Race	Project Study Area	City of Martinez	Contra Costa County
White	1,280	29,265	619,576
Minority			
Black or African American	45	1,200	87,444
American Indian and Alaska Native	24	304	5,501
Asian	32	2,319	103,198
Native Hawaiian and Other Pacific Islander	0	38	3,391
Some other race ²	59	1,229	77,521
Two or more races	6	1,812	52,185
Minority Subtotal	166	6,902	329,240
Total	1,446	36,167	948,816
Source: U.S. Department of Commerce, Census Bureau 2003b			

As an added measure to ensure that study area minority populations are adequately identified, census data was gathered for Hispanic origin. Hispanic is considered an

origin, not a race, by the U.S. Census Bureau. An origin can be viewed as the heritage, nationality group, lineage, or country of birth of the person or the person's parents or ancestors before their arrival in the United States (U.S. Census Bureau 2003d). People that identify their origin as Spanish, Hispanic, or Latino may be of any race. Therefore, those who are counted as Hispanic are also counted under one or more race categories, as described above. Approximately 14.3 percent of the study area population was Hispanic in origin (Table 3.12-2). In contrast, the city of Martinez and Contra Costa County had a 10.6 percent and 17.7 percent Hispanic population respectively. [Note that neither the city nor county data break out subdivided geographic areas, thus the entire city and county data are provided.]

Table 3.12-2
Hispanic Origin 2000

	Hispanic in Origin	Total Population	Percent Hispanic
Project Study Area	207	1,446	14.3%
City of Martinez	3,828	36,167	10.6%
Contra Costa County	168,059	948,816	17.7%
Source: U.S. Department of Commerce, Census Bureau 2003b			

As shown in Table 3.12-3 below, 13 households within the project study area were determined to have an income in 1999 below the poverty level. This represents approximately 3.1 percent of the households within the study area. The city of Martinez and Contra Costa County had higher percentages, with 5.5 percent and 6.6 percent of their households having incomes below the poverty level, respectively.

Table 3.12-3
Household Poverty Status in 1999

	Household Income in 1999 Below Poverty Level	Number of Households	Percent with Household Income in 1999 Below Poverty Level
Project Study Area	13	426	3.1%
City of Martinez	786	14,323	5.5%
Contra Costa County	22,738	344,422	6.6%
Source: U.S. Department of Commerce, Census Bureau 2003b			

Census poverty thresholds are the same for all parts of the Country and are updated yearly to reflect changes in the Consumer Price Index. However, due the high cost of living in the Bay Area, a higher poverty threshold is needed to accurately characterize the number of low-income households. As part of their 2001 Regional Transportation Plan Equity Analysis and Environmental Justice Report, the Metropolitan Transportation Commission (MTC) used the criterion of 30 percent of households at or below 200 percent of the poverty level. Analysis from the 2001 MTC study identified

1 communities that have high shares of low-income residents. The city of Martinez was
2 identified as a low-income community having 37.2 percent of residents at or below
3 200 percent of the poverty level¹ (MTC 2001).
4

5 6 **3.12.3 Impacts Analysis and Mitigation Measures**

7 8 **Methodology**

9
10 Significant adverse impacts of the Proposed Project and alternatives, as identified in
11 other sections of this DEIR, have the potential to result in significant adverse
12 Environmental Justice impacts if a disproportionate amount of minority or low-income
13 populations may be affected. A two-step process has been conducted to identify
14 potential impacts. First, areas within the study area containing minority or low-income
15 populations that may be disproportionately affected are identified using MTC and
16 Council of Environmental Quality (CEQ) Guidance.
17

18 MTC's 2001 Regional Transportation Plan Equity Analysis and Environmental Justice
19 Report identified areas within the MTC planning area that had high minority and
20 low-income populations percentages. According to MTC criteria, areas with high
21 percentages of minority populations (Minority Zones) were those having minority
22 populations of 70 percent or more, while areas having 30 percent of households with
23 1989 incomes at or below 200 percent of the poverty level were considered low-income
24 areas (Areas of Poverty). To determine whether the areas surrounding the Shore
25 terminal are located within areas meeting MTC's criteria, Minority Zone and Areas of
26 Poverty maps from MTC's Environmental Justice report were reviewed and compared to
27 study area census block group boundaries.
28

29 CEQ's Environmental Justice Guidance under the NEPA, December 10, 1997, states,
30 "Minority populations should be identified where either (a) the minority population of the
31 affected area exceeds 50 percent or (b) the population percentage of the affected area
32 is meaningfully greater than the minority population percentage in the general
33 population or other appropriate unit of analysis." Using these criteria, demographic data
34 for each study area census block group were compared to demographic data from each
35 appropriate Community of Comparison to determine whether that specific block group
36 had a "meaningfully greater" percentage of minority or low-income population.
37

38 Once areas were identified, the second step of the process evaluated all significant,
39 unmitigated adverse effects identified for the Proposed Project and alternatives to
40 determine whether project impacts would have a disproportionate environmental impact
41 on a minority and/or low-income population. Impacts for each resource are only
42 generally discussed, and specific information on impacts should be drawn from the
43 appropriate DEIR section.
44
45

¹ Analysis based upon 1990 Census data

Impact Significance Criteria

A significant adverse impact will be considered to have a disproportionate effect on a minority or low-income population if:

- The affected census block group is located within a MTC identified Minority Zone (areas having minority populations of 70 percent or more) or Areas of Poverty (areas having 30 percent of households with 1989 incomes at or below 200 percent of the poverty level) and that group will be subjected to a significant impact (Class I) (from other resource disciplines).
- The affected census block group has a minority or Hispanic origin population that is either greater than the Community of Comparison percentage or greater than 50 percent, and that group will be subjected to a significant impact (Class I) (from other resource disciplines).
- The affected census block group has a percentage of low-income (below 1999 poverty level) households that is either greater than the Community of Comparison percentage or greater than 50 percent, and that group will be subjected to a significant impact (Class I) (from other resource disciplines).

A significant adverse impact was also considered to have a disproportionate effect on a minority or low-income population if the impact would clearly effect these populations, even if they do not reside in the affected census block groups. [For example, the loss of a Native American cultural site would clearly affect this population disproportionately, even if the members of that Native American group do not reside in proximity to the cultural site. Another example would be the removal of a business or facility serving a minority or low-income community that could not be relocated within an area with similar access and where alternative businesses or facilities are not available to meet the same needs of the minority or low-income population.]

3.12.3.1 Shore Terminal's Resources Impacts and Environmental Justice

MTC Minority Zone and Areas of Poverty

Review of MTC maps found that neither study area census block group is located within an area identified as having either a minority population of 70 percent or more, or an area with 30 percent of households having incomes at or below 200 percent of the poverty level. Therefore, the Proposed Project's significant adverse impacts identified in other sections of this EIR within the study area would not have an effect on an MTC-identified Minority Zone or Areas of Poverty.

Areas with Meaningfully Greater Minority or Low-Income Populations

To determine whether the study area census block groups have meaningfully greater minority or low-income populations, minority and low-income percentages in each

census block group were compared to those of the Communities of Comparison. As shown in Table 3.12-4 below, census block group 3200.01-3 had an Hispanic origin population percentage that is greater than the corresponding percentages for the city of Martinez and Contra Costa County. Therefore, census block group 3200.01-3 was determined to have a meaningfully greater Hispanic origin population.

Table 3.12-4
Study Area Census Block Groups with Meaningfully Greater
Minority, Hispanic Origin, or Low-Income Populations

	Study Area Census Block Groups		City of Martinez	Contra Costa County
	3200.01-3	3150.00-1		
Minority				
Percent	12.4%	10.9%	19.1%	34.7%
Exceeds Criteria? ¹	No	No		
Hispanic Origin				
Percent	27.2%	5.8%	10.6%	17.7%
Exceeds Criteria? ²	Yes	No		
Low-Income				
Percent	4.5%	2.2%	5.5%	6.6%
Exceeds Criteria? ³	No	No		
Source: U.S. Department of Commerce, Census Bureau 2003b				
¹ Census block group has a population percentage of minority residents that exceeds the percentage of the Community of Comparison or is greater than 50 percent.				
² Census block group has a population percentage of Hispanic origin residents that exceeds the percentage of the Community of Comparison or is greater than 50 percent.				
³ Census block group has a population percentage of low-income residents that exceeds the percentage of the Community of Comparison or is greater than 50 percent.				

Impact EJ-1: Environmental Justice Impacts Associated with Continued Operation of the Shore Marine Terminal

Overall water quality, biological, and commercial and sport fisheries impacts would affect resources used by the entire Bay community, whether or not they are minority or low-income, and would therefore not have a disproportionate impact on a minority or low-income population. Environmental justice impacts are considered less than significant (Class III) for all except sport fisheries which is Class II.

Based upon the analysis conducted for this EIR, significant adverse impacts resulting from the routine operation of the Shore terminal includes, Operational Safety/Risk of Upset, Water Quality, Biological Resources, Commercial and Sport Fisheries, and Visual Impacts. A discussion of whether these impacts would have a disproportionate effect on a minority or low-income population is provided below.

Operational Safety/Risk of Upset

Findings from Section 3.1.3 Operation Safety/Risk of Upset concluded that if a fire or explosion were to occur at the Shore terminal, it would not pose a significant hazard to the public because there are no areas of public assemblage within 1,500 feet of the wharf area. However, the continued operation of the Shore Terminal would result in adverse and significant impacts relating to potential oil spills. The potential disproportionate effect of those impacts on minority or low-income populations is addressed under each resource category below.

Water Quality

As detailed in Section 3.2.3 Water Quality, the continued operation of the Shore terminal would result in potentially significant adverse impacts to water quality (Class I) that cannot be mitigated. One significant adverse impact relates to the routine discharge of ballast water that contains harmful microorganisms that could impair several of the project area's beneficial uses, including commercial and sport fishing, estuarine habitat, fish migration, preservation of rare and endangered species, water contact recreation, non-contact water recreation, fish spawning, and wildlife habitat.

A second significant adverse water quality impact relates to the use of marine anti-fouling paints to reduce nuisance algal and marine growth on ships. These anti-fouling paints are biocides that contain copper, sodium, zinc, and tributyltin (TBT) as the active ingredients. All of these are meant to be toxic to marine life that would settle or attach to the hull of ships. Because of the high toxicity of organotins to marine organisms, the use of these substances on vessels associated with the Shore terminal is considered to be a significant adverse impact to water quality that cannot be mitigated to less than significant (Class I).

A third possible significant adverse water quality impact would occur in the event of a large oil spill (greater than 50 bbl) at the Shore terminal or transiting tankers that visit the terminal with the duration of potential impacts to water quality dependent on the quantity and type of oil spilled.

Overall water quality impacts would affect resources used by the regional community, whether or not they are minority or low-income, and would therefore not have a disproportionate impact on a minority of low-income population. Environmental justice impacts related to water quality impacts are considered adverse but less than significant.

Biological Resources

As with water quality impacts, Proposed Project impacts on biological resources would result in significant adverse impacts associated with the discharge of ballast water, and the potential for large oil spills to occur at the facility. As described in Section 3.3.3 Biological Resources, the discharge of segregated ballast water or hull fouling could introduce exotic species to the aquatic ecosystem of the San Francisco Estuary.

Continued introduction of exotic species would have a significant adverse impact on planktonic and benthic communities (Class I), fishes (Class I), water-associated birds, marine mammals, and listed species through direct competition, destabilization of the food web, accumulation of toxins in the tissues of the voraciously filter-feeding Asian clam, or the introduction of disease organisms or toxic algae.

Biological resources that would be significantly affected by a large oil spill at the Shore terminal include plankton communities in Suisun Bay, natural rocky shores in Central Bay, intertidal mudflats, Dungeness crab, eelgrass, Pacific herring, striped bass, American shad, white sturgeon, tidal marshes, waterfowl, shorebirds, harbor seals, double-crested cormorants, long-billed curlew, common loon, Barrow's goldeneye, and all listed species (see Section 3.3.3 Biological Resources). As a result, impacts to biological resources would have adverse effects on commercial and sport fishing and recreation resources. Overall biological impacts would affect resources used by the regional community, whether or not they are minority, Hispanic origin, or low-income. Therefore, project impacts to biological resources would not result in a disproportionate impact to a minority or low-income community and the impact is considered less than significant (Class III).

Land Use and Recreation

As described in Section 3.5 Land Use and Recreation, impacts from an accidental oil release at the Shore terminal or from transiting tankers that visit the terminal could degrade the environment and preclude the use of shoreline land and associated recreational activities at the site of release and the areas affected by the spread of the oil. Because it is impossible to predict with any certainty the potential consequences of spills, impacts were considered adverse and significant, with severe spills having residual impacts that could affect shoreline and/or recreational uses. However, project impacts would effect recreational resources used by the entire community, whether or not they are minority, Hispanic origin, or low-income. Therefore, no disproportionate impact would occur, and the impact is considered less than significant (Class III).

Visual Impacts

As described in Section 3.9 Visual Resources, impacts from an accidental oil release at or near the Shore terminal could degrade the surface of the water and shoreline. As above, because it is impossible to predict with any certainty the potential consequences of spills, impacts were considered adverse and significant with severe spills having residual impacts that could affect the visual environment. Study area census block 3200.01-3 was determined to have a disproportionate population of Hispanic origin in relation to the Community of Comparison. The Shore terminal is a heavy industrial facility with the nearest residential area located approximately 1.5 miles to the southwest; thus, no residences would see a spill from their homes. As determined by oil spill modeling (Appendix B), a moderate size spill would have the potential to spread through a wide area of Carquinez Strait/Suisun Bay, potentially affecting all shoreline areas. Thus, spill impacts would effect the entire community, whether or not they are minority, Hispanic origin, or low-income. Therefore, no disproportionate impact would occur, and the impact is considered less than significant (Class III).

Commercial and Sport Fisheries

Findings in Section 3.4.3 Commercial and Sport Fisheries, indicate that the continued operations at the Shore terminal could result in significant adverse impacts to fish and habitat, shrimp fisheries, herring fisheries and sport fisheries as a result of an oil spill at the terminal or from transiting tankers that visit the terminal. Overall impacts to fisheries would affect resources used by the regional community, whether or not they are minority, Hispanic origin, or low-income. With regard to local sport fisheries, a 0.5-mile buffer around the terminal includes less than 5 percent of the sport boat fishing area in block California Department of Fish and Game (CDFG) 308 and no shoreline fishing occurs within 0.5 mile of the wharf. Therefore, due to the limited sport fishing near the Shore terminal, impacts to study area Census Block Group 3200.01-3 would not be considered disproportionate, even though the block group has a greater Hispanic origin population, and impacts are considered less than significant (Class III).

However, should the spill affect areas beyond the .5 mile buffer, the potential exists for fisheries resources and fishing locations used by populations within Census Block Group 3200.01-3 for subsistence fishing to be adversely affected as described in Biological Resources above. Preclusion of affected populations from fishing areas over an extended period of time could result in a disproportionate impact, particularly if such populations do not have the ability to go to uncontaminated areas nearby and depend on fishing as a food source (Class II).

Mitigation Measures for EJ-1:

EJ-1: Should an oil spill from Shore Terminals extend beyond .5 mile from the terminal and preclude sport fishing activities for more than two days, Shore Terminals shall contribute either funds or food stuffs to a local food bank in an amount sufficient, as determined in conjunction with the CSLC, to replace food sources that would have been supplied by fishing activities within the affected areas.

Rationale for Mitigation: By contributing funds of food to a local food bank, Shore would be providing its fair share of mitigation to the affected community. Impacts would be reduced to less than significant.

3.12.4 Alternatives

3.12.4.1 No Project Alternative

Impact EJ-2: Effects on Environmental Justice with No New Shore Terminals Lease

Under the No Project Alternative, impacts associated with the risk of a tanker oil spill would be similar to existing conditions (see Section 3.5.3.2). The No Project Alternative assumes the number of tankers servicing the area would remain essentially the same due to regional demands, and assumes that with no Shore terminal, incoming tankers

1 would instead go to three other nearby terminals that may or may not require
2 expansion. Therefore, the risk associated with the transport of oil would not be
3 removed, but simply shifted to other nearby facilities. The No Project Alternative would
4 result in water quality, biological, and commercial and sport fisheries impacts at other
5 areas of the Bay near the other terminals. Significant adverse impacts associated with
6 the No Project Alternative would be specifically dependent upon the location of the
7 nearby terminal that would receive the added number of tankers and the demographics
8 of the communities surrounding each terminal.

9
10 EJ-2: No mitigation is required.
11
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13 **3.12.4.2 Increased Use of Existing Pipelines for Continued Operation of Upland** 14 **Facility Alternative**

15 **Impact EJ-3: Continued Shore Upland Operations via Existing Pipelines**

16
17
18 **Increased use of the existing pipelines poses an adverse but less than significant**
19 **increase in risk and a less than significant impact (Class III) on the local**
20 **community.**

21
22 As for the No Project Alternative, impacts would be transferred to other area marine
23 terminals that would be used for vessels loading/unloading. In addition, this alternative
24 entails the increased use of existing pipelines in the area for the transport of petroleum
25 products. Existing pipelines in the area currently transport processed and crude product
26 from marine unloading facilities to various refineries. As identified in Section 3.12.2.1,
27 the city of Martinez was identified by MTC as a low-income community, having
28 37.2 percent of residents at or below 200 percent of the poverty level. Increased use of
29 the existing pipelines poses an adverse but less than significant increase in risk and a
30 less than significant impact (Class III) on the local community.

31
32 The Shore Upland facility may require expansion as a result of increased storage
33 activities associated with this alternative. Expansion on Shore's existing property would
34 be subject to separate environmental review and potential environmental justice impacts
35 would be addressed at that time.

36
37 EJ-3: No mitigation is required.
38
39

40 **3.12.4.3 Modification of Existing Pipelines for Continued Operation of Upland** 41 **Facility Alternative**

42 43 **Impact EJ-4: Continue Shore Upland Operations via Modifications to Existing** 44 **Pipelines** 45

1 **Reactivation of the PG&E pipeline may have a disproportionate effect on low-**
2 **income populations located within the City of Martinez resulting in a significant**
3 **adverse (Class II) impact.**

4
5 This alternative entails the reactivation of the unused PG&E fuel oil line including a
6 pipeline segment within the city of Martinez, and the construction of connections to the
7 marine terminals at Shore Selby, ConocoPhillips Rodeo, and the Chevron Richmond
8 (see Section 2.4.2). As identified in Section 3.12.2.1, the city of Martinez was identified
9 by MTC as a low-income community, having 37.2 percent of residents at or below
10 200 percent of the poverty level. Therefore, depending upon the pipeline's alignment,
11 significant adverse impacts (Class I and II) associated with this alternative may have a
12 disproportionate effect on low-income populations located within the city of Martinez.
13 Operational impacts would be due to the inherent oil spills risks and potential for
14 impacting local resources along the pipeline route.

15
16 As with the No Project and the Increased Use of Existing Pipelines Alternatives, it is
17 assumed that under this alternative other marine facilities in the area would service the
18 tanker traffic that would have otherwise been served by the Shore terminal. As with the
19 other alternatives, the disproportionate effect of other significant adverse impacts
20 associated with this alternative would be dependent upon the location of the nearby
21 terminal that would receive the added number of tankers and the demographics of the
22 communities surrounding that terminal.

23
24 Mitigation Measures for EJ-4:

25
26 **EJ-4:** Implementation of BIO-10 for contingency planning for sensitive biota
27 resources, FSH-11 and FSH-12 to protect fisheries and notify anglers, and
28 GEO-14 for pipeline integrity during construction and operation.

29
30 Rationale for mitigation: By providing proper engineering, inspection, maintenance and
31 retrofitting, the potential for pipeline failure and therefore, disproportionate impact to the
32 local community can be reduced to less than significant. Planning for protection of
33 sensitive resources and providing public information would also help to avoid or provide
34 rapid response to spill events. Even so, spills can impact land based waters, biota, land
35 uses, recreational uses, and fisheries. Impacts can be mitigated to less than significant
36 for small spills with rapid containment and cleanup.

37
38 Residual Impact: Residual impacts (Class I) of large spills could remain for land based
39 waters, biota, land uses, recreational uses, and fisheries.